



23 AUG 2007

Rutan & Tucker, LLP.
Hani Z. Sayed
611 ANTON BLVD
SUITE 1400
COSTA MESA CA 92626

In re Application of	:	
HORTON, Donald L.	:	
Application No.: 10/581,240	:	DECISION ON
PCT No.: PCT/US2004/032797	:	
Int. Filing Date: 05 October 2004	:	REQUEST
Priority Date: None	:	
Attorney's Docket No.: 020512.0012US	:	UNDER 37 CFR 1.42
For: ROTARY CIRCUIT SELECTION DEVICE	:	
WITH CROWN DETENT	:	

This is a decision is in response to applicants submission of a declaration indicating that inventor Donald L. Horton is deceased. The declaration has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 05 October 2004, applicants filed international application PCT/US2004/032797. The deadline for entry into the national stage in the United States was 05 April 2007.

On 02 June 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 02 March 2007, the Office mailed Notification of Missing Requirements, (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

On 01 May 2007, applicants submitted a declaration of the inventors, with an indication that a joint inventor was deceased and the surcharge for late filing of the search fee, examination fee or the oath or declaration.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. The declaration lists the inventor and his citizenship and the legal representatives and the legal representative's citizenship, residence and postal address. See 37 CFR 1.497.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has a date of 01 May 2007 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

A handwritten signature in black ink that reads "Erin P. Thomson". The signature is written in a cursive, flowing style.

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: (571) 272-3292
Facsimile: (571) 273-0459